

ATTORNEY DOCKET NO. 13172.0015U1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Kumar et al.)	Art Unit: 1637
)	
Application No. 10/072,666)	Examiner: Suryaprabha Chunduru
)	
Filing Date: February 8, 2002)	Confirmation No. 3290
)	
For: DETECTION METHOD USING)	
DISSOCIATED ROLLING)	
CIRCLE AMPLIFICATION)	

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

Sir:

Petitioner, QIAGEN GmbH, is owner of the entire interest (1) in the above-identified application as evidenced by the assignment from inventors Gyanendra Kumar, Patricio Abarzua, and Michael Egholm to Molecular Staging Inc. recorded on Reel 012767 and Frame 0262 and the assignment from Molecular Staging Inc. to QIAGEN GmbH recorded on Reel 015478, Frame 0609 establishing a chain of title from the inventors to Petitioners for the above-identified application and (2) in U.S. Patent No. 6,921,642 as evidenced by the assignment from inventors Stephen Kingsmore, Girish Nallur, and Barry Schweitzer to Molecular Staging Inc. recorded on Reel 011943 and Frame 0888 and the assignment from Molecular Staging Inc. to QIAGEN GmbH recorded on Reel 015478, Frame 0609 establishing a chain of title from the inventors to Petitioner.

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Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 6,921,642. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,921,642 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,921,642, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of QIAGEN GmbH.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such

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willful false statements may jeopardize the validity of the application or any patent issuing thereon.

QIAGEN GmbH

Date: 08. SEP. 2008

Name: Dr. Oliver J. Siebelschmidt
Manager IP & L

Title: _____

Signature: 